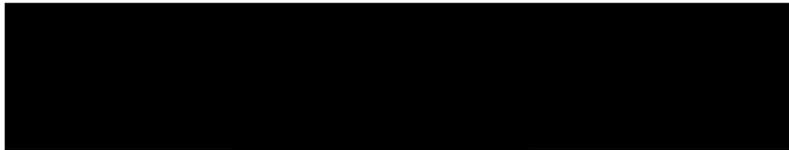


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prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



B6

File:

WAC-06-026-53367

Office: TEXAS SERVICE CENTER

Date: FEB 29 2006

In re:

Petitioner:

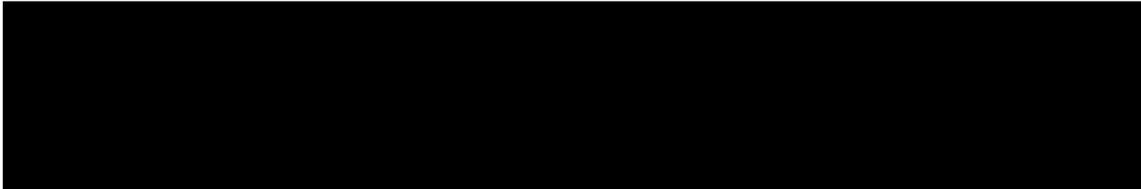
Beneficiary



Petition:

Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center (“director”),<sup>1</sup> denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3) as a skilled worker. The director determined that the petitioner could not demonstrate its ability to pay the proffered wage.

On appeal, the petitioner provided, “The Director of the Texas Service Center erred as a matter of law and fact, and abused her discretion in denying the instant petition on the grounds that the petitioner had not established the ability to pay the Beneficiary the proffered wage.” The petitioner indicated that it would send a brief within 30 days.

The appeal was filed on October 25, 2006. As of this date, more than twenty-four months after filing the appeal, the AAO has received nothing further. On December 20, 2007, the AAO sent counsel a fax allowing the petitioner to supplement the record with a brief as originally indicated. Counsel did not respond.

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The petitioner here has not addressed the reasons stated for denial and has not provided any additional evidence related to the petitioner’s ability to pay the proffered wage, the basis on which the petition was denied. Further, the petitioner has failed to identify the specific erroneous conclusion of law. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> The petitioner initially filed its petition with the California Service Center. The petition was transferred to the Texas Service Center for decision in accordance with new procedures related to bi-specialization.